

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72311

Walter M. Wiczowski
Dorothy A. Wiczowski

142 Hollowbrook Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 9, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310; 12-3-106; 13-4-201; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 428, failure to cease the outside storage of unlicensed motor vehicle, failure to store trash in cans with tight fitting lids, failure to cease the accumulation of feces and clear the property on a daily basis, failure to clear the property of trash and debris on residential property known as 142 Hollowbrook Road, 21093.

On January 25, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robyn Clark issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, to a property owner who has consistently violated the same code within the year or consecutive years. BCC Section 3-6-205. The Hearing on this Citation was rescheduled due to inclement weather, with written notice to Respondents. Respondents failed to appear for this Hearing.

B. Review of the file shows that a \$1,000.00 (one thousand dollars) civil penalty was imposed on October 5, 2009 for the same code violations after Respondents failed to correct the violations despite being given the opportunity to obtain a reduced \$100.00 civil penalty.

C. Photographs in the file show a blue Volkswagen van in the driveway, with a flat rear tire and jacked up in the front. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents must repair and tag this vehicle or remove it from the property.

D. Photographs also show a significant quantity of dog feces on the ground. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

E. Photographs also show bagged garbage on the ground and in cans without lids. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be properly stored in cans with tight lids.

F. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondents will be subject to additional Citation, and the County will be authorized to remove the untagged vehicle, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by April 7, 2010.

IT IS FURTHER ORDERED that after April 7, 2010, the County may enter the property for the purpose of removing the untagged vehicle, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer